

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AMBER MALLORY, A.J.M., A.J.J.W.,
et al.,

CASE NO. C24-5135 BHS

ORDER

Plaintiffs,
v.
D.C.F.Y., et al.,

Defendants.

THIS MATTER is before the Court on Magistrate Judge Theresa Fricke's Report and Recommendation (R&R), Dkt. 8, recommending the Court deny pro se plaintiff Amber Mallory's application to proceed *in forma pauperis*, and dismiss her claim without prejudice and without leave to amend, for failure to state a plausible claim and for failure to respond to an Order to Show Cause.

A district judge must determine de novo any part of a magistrate judge's proposed disposition to which a party has properly objected. It must modify or set aside any portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The district judge may accept, reject, or modify the recommended disposition; receive further

1 evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P.
2 72(b)(3).

3 A proper objection requires “specific written objections to the proposed findings
4 and recommendations” in the R&R. Fed. R. Civ. P. 72(b)(2). In providing for a de novo
5 determination, Congress “intended to permit whatever reliance a district judge, in the
6 exercise of sound judicial discretion, chose to place on a magistrate’s proposed findings
7 and recommendations.” *United States v. Raddatz*, 447 U.S. 667, 676 (1980) (internal
8 quotation marks omitted). Thus, the district court is required only to indicate that it
9 reviewed the record de novo and found no merit to the objections in order to summarily
10 adopt the R&R’s analysis. *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). The
11 district court is not obligated to “expressly address” every objection. *Id.* at 437.

12 Mallory has not objected to the R&R, and as such she has not established that the
13 R&R was clearly erroneous or contrary to law. She has failed to state a plausible claim
14 and she did not respond to the Court’s Order to Show Cause.

15 The R&R, Dkt. 8, is **ADOPTED**. Mallory’s application to proceed *in forma*
16 *pauperis*, Dkt. 6, is **DENIED**. The case is **DISMISSED** without prejudice and without
17 leave to amend.

18 **IT IS SO ORDERED.**

19 Dated this 20th day of June, 2024.

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BENJAMIN H. SETTLE
United States District Judge